

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BOZANA KRUPNIKOVIC, as
personal representative of the estate
of Strahinja Krupnikovic, deceased,
individually and as next of kin of
Strahinja Krupnikovic, deceased,
and as mother and guardian of A.K.,
a minor and next of kin of Strahinja
Krupnikovic, deceased,**

Plaintiff,

v.

**STERLING TRANSPORTATION
SERVICES, INC.; UNKNOWN
SPOUSE, HEIRS, DEVISEES,
LEGATEES, EXECUTORS,
ADMINISTRATORS, AND
ASSIGNS of Thomas House,
deceased; LW MILLER
TRANSPORTATION HOLDINGS,
INC.; and JAMES GANSER,
individually;**

Defendants.

8:14CV352

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Plaintiff's Statement of Non-Opposition ([Filing No. 172](#)) to the Partial Motions for Summary Judgment filed by defendants LW Miller Transportation Holdings, Inc. ("LW Miller") and James Ganser ("Ganser") ([Filing No. 153](#) and [Filing No. 155](#)). Plaintiff concedes there is insufficient evidence to establish the following claims against LW Miller and/or Ganser: (1) willful, wanton, and reckless misconduct as to LW Miller and Ganser; (2) punitive damages; (3) negligent hiring, negligent supervision, negligent entrustment, negligent training, and negligent retention as to LW Miller Transportation; (4) that Ganser left his lane of travel and came into contact with the tractor-trailer driven by Strahinja Krupnikovic; and (5) that Plaintiff is entitled to

pre-death damages for physical and mental pain and suffering on behalf of the decedent, Strahinja Krupnikovic. ([Filing No. 172](#)). Plaintiff concedes the claims set forth in LW Miller and Ganser's partial motions for summary judgment are ripe for dismissal. Accordingly,

IT IS ORDERED: Defendants LW Miller Transportation Holdings, Inc. and James Ganser's Partial Motions for Summary Judgment ([Filing No. 153](#) and [Filing No. 155](#)) are granted.

DATED: April 14, 2017.

BY THE COURT:

**s/ F.A. Gossett, III
United States Magistrate Judge**